

Appl. No. : 10/815,884
Filed : March 31, 2004

REMARKS

The foregoing amendments and the following remarks are responsive to the August 31, 2006 Office Action and the November 14, 2006 Advisory Action. Claims 1, 17, and 19 are amended and Claims 2-4, 6-10, 18, and 20 remain as previously presented, Claim 5 remains as originally filed, and Claims 11-16 were previously cancelled without prejudice. Thus, Claims 1-10 and 17-20 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Comments on Election/Restriction Requirement

In the August 31, 2006 Office Action, the Examiner stated that Claims 11-16 are directed to an invention that is independent or distinct from the invention originally claimed. In the previously-filed "Amendment and Response to August 31, 2006 Office Action," Applicants cancelled Claims 11-16 without prejudice, reserving the right to pursue allowance of these claims in a continuation application. In the November 14, 2006 Advisory Action, the Examiner indicated that this amendment has been entered.

Comments on Priority Document

In the August 31, 2006 Office Action, the Examiner acknowledged papers submitted under 35 U.S.C. 119(a)-(d). Applicants appreciate recording in the file.

Response to Objection of Claim 17

In the August 31, 2006 Office Action, the Examiner objected to Claim 17 because of informalities. In the previously-filed "Amendment and Response to August 31, 2006 Office Action," Applicants amended Claim 17. In the November 14, 2006 Advisory Action, the Examiner indicated that this amendment has been entered and that it overcame the objection.

Response to Rejections Claims 1, 17, and 19 Under 35 U.S.C. § 112, first paragraph

In the August 31, 2006 Office Action, the Examiner rejected Claims 1, 17, and 19 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is maintained in the November 14, 2006 Advisory Action. The Examiner stated that Claims 1, 17, and 19 have been amended in the "Amendment and Response to March 17, 2006 Office Action" to include subject matter that is not supported by the specification as originally filed.

Applicants continue to traverse this rejection, incorporating by reference herein the remarks in the previously-filed "Amendment and Response to August 31, 2006 Office Action"

and in the previously-filed "Pre-Appeal Brief Request for Review." However, to expedite allowance of the present application, Applicants have amended Claims 1, 17, and 19 as described herein to clarify the claimed invention. Applicants submit that these amendments remove the language cited by the Examiner as failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

Applicants further submit that the amendments of Claims 1, 17, and 19 are supported by the original specification, including but not limited to, Figure 3, page 3, lines 3-8, and page 7, lines 11-20, so these amendments do not add new matter to the application. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 17, and 19 and pass these claims to allowance.

Response to Rejection of Claims 1-6, 8-10, and 17-20 Under 35 U.S.C. § 102(b)

In the August 31, 2006 Office Action, the Examiner rejected Claims 1-6, 8-10, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0027636 to Yamada ("Yamada '636"). This rejection is maintained in the November 14, 2006 Advisory Action.

Claims 1-6 and 8-10

As currently amended, Claim 1 recites (emphasis added):

1. A color-changeable pixel comprising:
 - a first electrode;
 - a second electrode substantially parallel to the first electrode, wherein **the second electrode is movable towards the first electrode in response to electrostatic attraction between the first electrode and the second electrode;**
 - a separation structure located between the first electrode and the second electrode and extending along a side of the color-changeable pixel; and
 - a plurality of supports located between the first electrode and the second electrode and inside the color-changeable pixel, wherein a restorability of the second electrode to movement relative to the first electrode is dependent on a distribution density of the supports.

Applicants submit that Claim 1 includes limitations that are not disclosed by Yamada '636. For example, Yamada '636 does not disclose that "the second electrode is movable towards the first electrode in response to electrostatic attraction between the first electrode and the second electrode," as recited by amended Claim 1. Yamada '636 discloses an LCD display which has spacers between two substrates which keep the gap between the substrates constant even for non-flat liquid crystal displays (see, e.g., Section 348 of Yamada '636). Yamada '636

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discloses a permanently deformed non-flat liquid crystal display (Sections 340 and 343, Figs. 4 and 14 of Yamada '636). Yamada '636 discloses that a higher spacer density in non-flat regions of the LCD display makes the thickness of the display uniform and keeps the electrodes immovable against each other (see Sections 147 and 348 of Yamada '636). Thus, neither of the electrodes of Yamada '636 moves towards the other electrode, particularly in response to an electrostatic attraction between the two electrodes. Therefore, Applicants submit that amended Claim 1 is patentably distinguished over Yamada '636.

Each of Claims 2, 5, 6 and 10 depends from Claim 1, and each of Claims 3 and 4 depends from Claim 2. Each of Claims 8 and 9 depends from Claim 10. Therefore, each of Claims 2-6 and 8-10 includes all the limitations of Claim 1 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 1, Applicants submit that each of Claims 2-6 and 8-10 are patentably distinguished over Yamada '636. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-6 and 8-10 and pass these claims to allowance.

Claims 17-20

As amended, Claim 17 recites (emphasis added):

17. A method of fabricating a color-changeable pixel, the method comprising:
providing a substrate;
providing a first electrode over the substrate;
providing a second electrode over the first electrode, the second electrode substantially parallel to the first electrode, **the second electrode is movable relative to the first electrode in response to electrostatic attraction between the first electrode and the second electrode;**
providing a separation structure between the first electrode and the second electrode and extending along a side of the color-changeable pixel; and
providing a plurality of supports between the first electrode and the second electrode and inside the color-changeable pixel, wherein the second electrode has a preselected mechanical response in response to the voltage differences, the preselected mechanical response corresponding to a set of mechanical characteristics of the plurality of supports.

Applicants submit that Claim 17 includes limitations that are not disclosed by Yamada '636. For reasons similar to described above for Claims 1-6 and 8-10, Applicants submit that Claim 17 is patentably distinguished over Yamada '636. Each of Claims 18-20 depends from Claim 17. Therefore, each of Claims 18-20 includes all the limitations of Claim 17 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim

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17, Applicants submit that each of Claims 18-20 are patentably distinguished over Yamada '636. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claims 17-20 and pass these claims to allowance.

Response to Rejection of Claim 7 Under 35 U.S.C. § 103(a)

In the August 31, 2006 Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Yamada '636 in view of U.S. Patent No. 6,809,788 issued to Yamada ("Yamada '788"). This rejection was not mentioned in the November 14, 2006 Advisory Action.

As described above, Applicants submit that Claim 1 includes limitations that are not disclosed or suggested by Yamada '636. Applicants further submit that the limitations of Claim 1 missing from Yamada '636 are not disclosed or suggested by Yamada '788. Therefore, Applicants respectfully submit that Claim 1 is patentably distinguished over Yamada '636 and Yamada '788 combined.

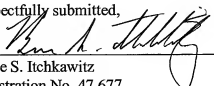
Claim 7 depends from Claim 6 which depends from Claim 1. Therefore, Claim 7 includes all the limitations of Claim 1 as well as other limitations of particular utility. For at least the reasons stated above with regard to Claim 1, Applicants submit that Claim 7 is patentably distinguished over Yamada '636 and Yamada '788 combined, and Applicants respectfully request that the Examiner withdraw the rejection of Claim 7 and pass Claim 7 to allowance.

Summary

For the foregoing reasons, Applicants submit that Claims 1-10 and 17-20 are in condition for allowance, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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